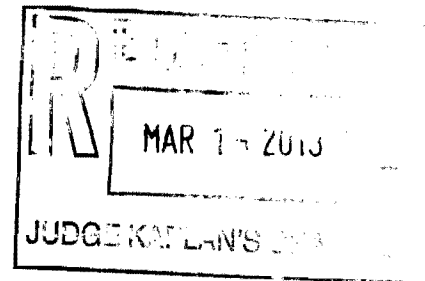


MEMO ENDORSED

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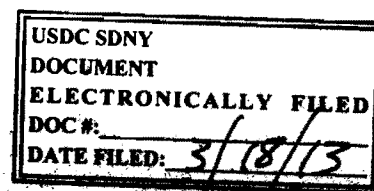
JOSHUA L. DRATEL
AARON MYSLIWIEC
—
LINDSAY A. LEWIS

STEVEN WRIGHT
Office Manager

March 14, 2013

BY FACSIMILE [(212) 805-7910]

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *United States v. Wadih El-Hage,*
S(7)R 98 Cr. 1023 (LAK)

Dear Judge Kaplan:

This letter is submitted in regard to the re-sentencing of Wadih El-Hage, defendant in the above-entitled case, whom Sam A. Schmidt, Esq. and I represent by CJA appointment. For the reasons set forth below, it is respectfully requested that due to unanticipated circumstances – namely the inability of ADX Florence, where Mr. El-Hage is confined, to accommodate a counsel visit until March 19 & 20, 2013 – the due date for Mr. El-Hage's re-sentencing submission be extended from March 15, 2013, until March 25, 2013, and that the remainder of the briefing schedule be adjusted in accordance with the schedule proposed below. However, the proposed schedule would *not* alter the current re-sentencing date of April 23, 2013. I have spoken with Assistant United States Attorney Aimee Hector, who has informed me that the government does not oppose this application.

In advance of filing Mr. El-Hage's re-sentencing submission (due March 15, 2013), and in order to discuss the submission in detail with him as he has requested, Mr. Schmidt and I were planning to visit Mr. El-Hage next Monday and Tuesday (March 11th & 12th), and had made all the necessary travel arrangements. However, when we contacted ADX Florence, we were informed we would not be able to visit Mr. El-Hage this week because the visiting rooms were already booked (because ADX has instituted a policy of permitting only one inmate who is

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subject, as is Mr. El-Hage, to Special Administrative Measures [hereinafter "S.A.M.'s"] in the visiting room at one time).¹

Mr. Schmidt and I have now reserved time to visit Mr. El-Hage March 19 & 20, 2013, which dates were procured only through the assistance of AUSA Hector and AUSA Sean S. Buckley. Initially, we were informed April 22, 2013 through April 24, 2013, would be the first dates ADX had available that conformed with counsel's schedule.² However, when I informed AUSA's Hector and Buckley, they intervened and managed to secure the earlier dates.

As a result, it is respectfully requested that the current schedule be adjusted. After consultation with the government, the following schedule is proposed:

Defense re-sentencing submission: due March 25, 2013

Government re-sentencing submission: due April 15, 2013

Defense reply submission: due April 18, 2013

The re-sentencing would remain scheduled for April 23, 2013, at 3 p.m. The proposed schedule would have Mr. El-Hage's reply submission due five days prior to re-sentencing.

SO ORDERED

LEWIS A. KAPLAN, U.S.D.J.

¹ Apparently, ADX houses 35 inmates who are subject to S.A.M.'s.

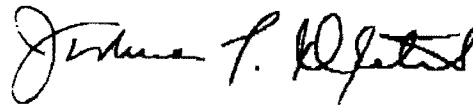
² The first date ADX had available *at all* was April 1, 2013, but I will be commencing trial that day in *United States v. Bejaoui*, --- Cr. --- (SHS), before Judge Stein. Also, ADX permits counsel visits only on Mondays, Tuesdays, and Wednesdays, which further limits available dates for visitation.

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Accordingly, it is respectfully requested that the due date for Mr. El-Hage's re-sentencing submission be extended from March 15, 2013, until March 25, 2013, and that the briefing schedule for remaining submissions be adjusted in accordance with this proposed schedule. As noted above, the government does not oppose this request.

Respectfully submitted,



Joshua L. Dratel

Sam A. Schmidt

JLD/

cc: AUSA Aimee Hector
AUSA Sean S. Buckley